

EXHIBIT 11

NANCY CARROLL AVELLINO-5/24/10

Volume: I
Pages: 1-171
Exhibits: 1-4

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss.

Superior Court Department
of the Trial Court
C.A. No. 09-09

JOHN J. DALEY, III,
Plaintiff

vs.

FRANK J. AVELLINO, Individually, NANCY CARROLL
AVELLINO, Individually, FRANK J. AVELLINO, TRUSTEE,
NANCY CARROLL AVELLINO, TRUSTEE, AVELLINO REALTY
TRUST, and KENN JORDAN ASSOCIATES,
Defendants

and

Nantucket, ss.

Superior Court Department
of the Trial Court
C.A. No. 09-10

NANCIE B. TAYLOR,
Plaintiff

vs.

FRANK J. AVELLINO, Individually, NANCY CARROLL
AVELLINO, Individually, FRANK J. AVELLINO, TRUSTEE,
NANCY CARROLL AVELLINO, TRUSTEE, AVELLINO REALTY
TRUST, and KENN JORDAN ASSOCIATES,
Defendants

DEPOSITION OF NANCY CARROLL AVELLINO, taken pursuant
to the applicable provisions of the Massachusetts Rules of
Civil Procedure, before Virginia Dodge, Certified Realtime
Reporter and Notary Public in and for the Commonwealth of
Massachusetts, at the JARED COFFIN HOUSE, 29 Broad Street,
Nantucket, Massachusetts, on Monday, May 24, 2010, at
9:33 a.m.

KACZYNSKI REPORTING
72 Chandler Street, Suite 3
Boston, MA 02116
(617) 426-6060

NANCY CARROLL AVELLINO-5/24/10

<p style="text-align: right;">150</p> <p>1 references to the real estate license. Could you describe 2 that any further? You're saying Mr. Daley told you that 3 he had a real estate license? 4 A. Reminded me that he had a real estate license. 5 Q. In what context or for what purpose? 6 A. I believe the purpose was to discuss the sale of my 7 house. 8 Q. Okay. 9 A. And as I said, I was -- this is a very difficult 10 process. We discussed before, the process. House sale. 11 And it was a day that I was not emotionally able to talk 12 about that. 13 Q. And following that conversation, were there any 14 supplemental discussions with Mr. Daley or Ms. Taylor? 15 A. The next time we heard from them, I think it was 16 through your law firm. 17 Q. Have you seen Mr. Daley or Ms. Taylor -- 18 A. Pardon. 19 Q. Have you seen Mr. Daley or Ms. Taylor anywhere since 20 their lawsuits were filed? 21 A. I don't think so. Not that I recall. 22 Q. Have you ever met Bernard Madoff, ma'am? 23 A. Yes. 24 Q. How many times?</p>	<p style="text-align: right;">152</p> <p>1 Q. Following that initial visit, please describe any 2 other occasions where you met Mr. Madoff. 3 A. I met Mr. Madoff at a meeting with my husband and I 4 and Dianne and Michael Bienes after the -- well, when was 5 it? In the '90s someplace. 6 Q. Did that take place at Mr. Madoff's offices in New 7 York? 8 A. Yes. 9 Q. What was the purpose of that meeting? 10 A. That meeting -- I don't have a clear recollection of 11 the purpose of that meeting. I think it had to do with 12 handling our investments. 13 Q. Did that meeting where Mr. and Mrs. Bienes were 14 present, did that have to do with Mayfair Pension? 15 A. Specifically, I don't think -- no. I don't. I 16 think it was just an overall. An overview of investments. 17 I don't specifically recall any -- pinpointing any 18 particular investment. 19 Q. Okay. Mr. Bienes has reported in an interview that 20 he had a meeting where you and your husband were present, 21 he and his wife were present, and Mr. Madoff was present 22 specifically to discuss the Mayfair Pension. Do you have 23 any reason to dispute his characterization of the meeting? 24 A. I don't have any reason to dispute his recollection.</p>
<p style="text-align: right;">151</p> <p>1 A. A handful or more. 2 Q. When did you first meet him? 3 A. Probably around 1989. 4 Q. What was the reason for the 1989 meeting? 5 A. We had married, and my husband took me there to 6 introduce me to him. 7 Q. Where is "there"? 8 A. Oh. To New York, to his office in New York. 9 Q. What transpired during the course of that meeting? 10 A. Well, we met each other, and I had a tour of the 11 office. Just a normal meeting, so that I would know the 12 person that had all of our investments. 13 Q. Was anyone present for that meeting besides 14 yourself, your husband and Mr. Madoff? 15 A. No one was present. I mean, it was -- excuse me. 16 His whole office was present. You know. It was during 17 business hours, and it was a functioning office, and 18 everyone that was there that day was there that day. 19 Q. During the course of that day, was there a meeting 20 where you, your husband and Mr. Madoff met privately to 21 discuss your personal finances? 22 A. No. 23 Q. What was your impression at the time of Mr. Madoff? 24 A. I don't recall.</p>	<p style="text-align: right;">153</p> <p>1 It's not necessarily clearly my recollection of that. 2 Q. Mr. Bienes has also stated in a similar or that 3 exact interview that the Mayfair Pension program had 4 assets of \$40 million. Is that a number that you're able 5 to confirm or dispute? 6 A. I can't confirm or dispute it. I wouldn't dispute 7 it, and I wouldn't confirm it. I don't specifically know 8 that answer. 9 Q. Could there have been more than \$40 million in the 10 Mayfair Pension? 11 A. I don't know. 12 Q. Regardless of however much money there was in the 13 Mayfair Pension, what was the source of that money? 14 A. I don't know. 15 Q. You never asked your husband, "Where is this money 16 coming from?" 17 A. No. 18 Q. When was the last time you saw Bernard Madoff in 19 person? 20 A. A few years ago, we ran into him on the street in 21 New York. 22 Q. And he knew who you were? 23 A. Yes. Yes. He knew my husband. 24 Q. What did you discuss during that meeting on the</p>

NANCY CARROLL AVELLINO-5/24/10

154	156
<p>1 street?</p> <p>2 A. I don't have a clear recollection of it. It was he</p> <p>3 and his wife, and I recall vaguely that she was thinking</p> <p>4 about moving.</p> <p>5 Q. "She" being Mrs. Madoff?</p> <p>6 A. Mrs. Madoff.</p> <p>7 Q. From where to where?</p> <p>8 A. I don't have a clear recollection. I just recall</p> <p>9 just discussing with her the horrors of moving, and that's</p> <p>10 what I recall of the casual street situation. And saying</p> <p>11 hello and moving on.</p> <p>12 Q. Were any financial matters discussed during that</p> <p>13 meeting on the street?</p> <p>14 A. No.</p> <p>15 Q. Was anything related to Kenn Jordan Associates</p> <p>16 discussed during that meeting?</p> <p>17 A. No.</p> <p>18 Q. Have you ever been a guest in any of the homes owned</p> <p>19 by Mr. and Mrs. Madoff?</p> <p>20 A. No.</p> <p>21 Q. Have Mr. or Mrs. Madoff been a guest in any of the</p> <p>22 homes owned by you and your husband?</p> <p>23 A. No.</p> <p>24 Q. Have you ever encountered the Madoffs at any social</p>	<p>1 your investments with Bernard Madoff in the year 2008?</p> <p>2 A. Not that I know of.</p> <p>3 Q. Would your husband have information on that?</p> <p>4 A. I don't know.</p> <p>5 Q. Did you ever tell Mr. Daley and Ms. Taylor in 2008</p> <p>6 to withdraw their money from Kenn Jordan Associates?</p> <p>7 A. No.</p> <p>8 Q. I may have asked you this earlier, and I apologize</p> <p>9 if this is a duplication, but are you able to tell me</p> <p>10 today the amount of money that you and your husband came</p> <p>11 to have lost in the Madoff scheme?</p> <p>12 A. I don't know.</p> <p>13 Q. And would anybody other than your husband know that?</p> <p>14 A. I don't think so.</p> <p>15 Q. Do you have a personal accountant or CPA that</p> <p>16 assists you in the preparation of your personal joint</p> <p>17 federal tax returns?</p> <p>18 A. Yes.</p> <p>19 Q. Who is that person?</p> <p>20 A. I should know the name, but I can't recall. And I'm</p> <p>21 sure you can get that from other sources.</p> <p>22 Q. Were you ever a guest at the homes of Mr. Daley and</p> <p>23 Ms. Taylor from 2001 forward?</p> <p>24 A. A dinner guest? What are you asking? Overnight</p>
155	157
<p>1 or charity functions?</p> <p>2 A. No.</p> <p>3 Q. Did the Madoffs attend your daughter's wedding on</p> <p>4 Nantucket in 2007?</p> <p>5 A. No.</p> <p>6 Q. Was that meeting on the street the last time you saw</p> <p>7 Mr. Madoff in person?</p> <p>8 A. To the best of my recollection, yes.</p> <p>9 Q. And how many times in total do you recall visiting</p> <p>10 Mr. Madoff at his office in New York?</p> <p>11 A. Twice.</p> <p>12 Q. And that would be the one meeting, just with you and</p> <p>13 your husband, and then the meeting with Mr. and</p> <p>14 Mrs. Bienes?</p> <p>15 A. Mm-hmm.</p> <p>16 Q. Yes?</p> <p>17 A. Yes.</p> <p>18 Q. During the course of your socializing with Mr. Daley</p> <p>19 and Ms. Taylor, from 2001 through the end of 2008, did you</p> <p>20 ever tell Mr. Daley and/or Ms. Taylor that their Kenn</p> <p>21 Jordan Associates partnership investment was reinvested</p> <p>22 with Bernard Madoff and his company?</p> <p>23 A. No.</p> <p>24 Q. Did you and your husband withdraw any money from</p>	<p>1 guest? What's your question?</p> <p>2 Q. Guest defined as broadly as you choose to. Were you</p> <p>3 ever at their homes for social reasons --</p> <p>4 A. I believe we were at their home for dinner or a</p> <p>5 cocktail party.</p> <p>6 Q. How many times?</p> <p>7 A. I don't know because I don't have any specific</p> <p>8 recollection during that period of being at their home for</p> <p>9 dinner or a cocktail party. I'd need more information.</p> <p>10 Q. From 2001 to the present day, have you been to any</p> <p>11 of the Daleys' homes more than five times for social</p> <p>12 functions?</p> <p>13 A. I don't know.</p> <p>14 Q. Have you ever visited the Daleys in Santa Barbara?</p> <p>15 A. No.</p> <p>16 Q. Have the Daleys visited you or your residences in</p> <p>17 Florida?</p> <p>18 A. I don't believe so.</p> <p>19 Q. Have you ever gone on vacations with the Daleys?</p> <p>20 A. No.</p> <p>21 Q. Have you ever gone on vacations with any other</p> <p>22 partners in Kenn Jordan Associates?</p> <p>23 A. With the Estebans.</p> <p>24 Q. Where did you travel with them?</p>